

This Week in Congress

June 30, 2008

Dear Friend,

Welcome to "This Week in Congress." Kansans remain frustrated by the high cost of energy, including gasoline, and the lack of progress toward finding solutions. Like Kansans, I am bothered by the partisan politics that prevent Congress from finding solutions to these critical problems. [Click here](#) to read about efforts I support to reduce the cost of energy and click here to vote in my online poll. I hope you find this newsletter useful.

House Passes Fixes for Pharmacies, Medical Providers

I supported House passage of legislation this week to improve Medicare regulations for patients and health care providers. The Medicare Improvements for Patients and Providers Act includes several important fixes for health care providers in Kansas. As a founder of the

Congressional Community Pharmacy Caucus, I am especially pleased with the provisions of this bill that help community pharmacists. The legislation requires pharmacies to be reimbursed in a timely manner for prescriptions already dispensed to patients. The bill also delays the implementation of the Average Manufacturing Price payment system, which would reimburse pharmacists for less than what it costs to fill Medicaid prescriptions. In addition, the bill suspends the current bidding program for Durable Medical Equipment. The current program could compromise Kansans' access to equipment and create more overhead costs for equipment providers.

It also suspends for 18 months a reduction in Medicare payments to physicians, establishes new grants for mental health services to Iraq war veterans in rural areas and begins a demonstration program for integrating care in rural communities. These changes will help keep health care professionals on a level playing field whether they are serving patients in rural or urban areas. It will also help keep the doors open to local hospitals, doctor's offices and pharmacies. The Senate now needs to quickly pass this bill.

Disaster Declaration Requested for Chapman, Manhattan and Other Communities

On Thursday, Governor Sebelius formally asked the federal government to provide disaster assistance to 49 Kansas counties that suffered damage from severe storms and tornadoes beginning May 22 and ending June 16. I have urged President Bush to quickly approve the assistance so that public buildings and infrastructure can be repaired.

The day after tornadoes and strong storms rolled through central and northeast Kansas, I visited Chapman and Manhattan to view the damage. I returned to Chapman the following day to encourage residents. The destruction was great in these two communities, but many other Kansas towns have also suffered. The request for federal assistance is welcome news to Kansans that live in these storm-damaged communities.

The request asks for assistance for the following counties: Barber, Bourbon, Butler, Brown, Chautauqua, Cherokee, Clark, Clay, Comanche, Cowley, Crawford, Decatur, Dickinson, Edwards, Ellis, Franklin, Gove, Graham, Harper, Hodgeman, Jackson, Jewell, Kiowa, Lincoln, Linn, Logan, Meade, Mitchell, Montgomery, Morris, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Republic, Riley, Rooks, Rush, Saline, Seward, Sheridan, Smith, Stafford, Sumner, Thomas, Trego and Wallace.

Pressing Air Force Officials to Rebid Tanker Contract

After upholding Boeing's protest last week of the Air Force's decision to award the aerial refueling tanker contract to Northrop Grumman and Europe's EADS, the Government Accountability Office (GAO) said Wednesday that Boeing would have likely won the bid had significant errors not been made. The findings of the GAO report are disturbing. It is critical the Air Force start this competition over and work to make it right.

Together with other Members of Congress, I asked the Air Force Acting Secretary to take into

account all of the GAO findings and re-open a fair competition in a manner that corrects the significant errors identified by the GAO. According to the GAO report, the Air Force failed to judge the competitive bids based on the Air Force's own evaluation criteria, made significant mistakes in considering the life cycle costs of each of the two aircraft and "conducted misleading and unequal discussions with Boeing." I also joined Congressman Todd Tiahrt this week in introducing legislation that directs the Department of Defense to begin a new competition on the tanker contract if the Air Force fails to award the contract to Boeing. The legislation calls on the Department of Defense to take into account national security, industrial base concerns and foreign subsidies in the new competition.

[Click here](#) to view my remarks after the GAO upheld Boeing's protest.

Supporting the Americans with Disabilities Act Restoration Act

This week, I supported House passage of legislation that will ensure the right for all people to be evaluated on their job performance. The Americans with Disabilities Act (ADA) Restoration Act restores the law to Congress' original intent by harmonizing the ADA with other civil rights laws and requiring the courts to interpret the law fairly. Overly broad court interpretations have weakened the law by allowing employers to say a person is "too disabled" to do the job but not "disabled enough" to be protected by the law. The ADA Restoration Act will correct this problem.

I spoke on the House floor about the need for these reforms and was able to share the thoughts expressed by former Senator Bob Dole, a true disability rights advocate, on the passage of the original ADA in 1990. [Click here](#) to view my comments in support of this bill.

Emergency Grazing of CRP Acres Approved for Kansas Counties

Producers in eight Kansas counties received good news this week when the U.S. Department of Agriculture (USDA) approved a request for emergency grazing of Conservation Reserve Program (CRP) acres. Producers in Grant, Hamilton, Haskell, Morton, Sherman, Stanton, Stevens and Wallace Counties are now eligible to begin sign-up for emergency grazing of CRP acres. Producers in these Kansas counties are enduring months of drought. Allowing producers to graze CRP acres will help them maintain their herds during this time of extreme conditions.

Emergency grazing is allowed through September 30, 2008. All livestock must be removed by the end of the grazing period. According to the Kansas Farm Service Agency (FSA), producers must not graze at least 25 percent of each field or contiguous CRP fields or graze no more than 75 percent of the stocking rate. Producers participating in the emergency grazing will also face a 25 percent reduction in the annual rental payment for the grazed acres. Producers should visit their local FSA office for information about the restrictions on use and to begin the sign-up process.

Celebrating the University of Kansas School of Pharmacy Expansion

I was in Wichita on Monday to participate in the ceremonial signing of state legislation that will allocate \$20 million in bonds plus an additional \$39 million for the expansion of the University of Kansas School of Pharmacy. The funding will also allow the School of Pharmacy to conduct more pharmaceutical research. With the expansion of the school, nearly 200 more students will be able to enter the pharmacy program at the KU School of Medicine-Wichita and at a new building on the main campus in Lawrence. At a time when pharmacists are struggling to keep their doors open, the pharmacy expansion is a ray of hope for the profession and our state.

KU has a strong record for retaining graduates within our state. Sixty-three percent of KU Pharmacy graduates live and work in Kansas. Increasing the educational capacity will give more students an opportunity to learn and will also help address the pharmacist shortage in Kansas. I would like to commend the leadership and faculty at KU and the Kansas State Legislature for having the foresight to invest in such a worthwhile project. Being with KU officials also allowed me the opportunity to encourage additional enrollments within the School of Medicine in order to better help Kansans meet the need for physicians, especially primary care doctors.

Before attending the ceremony, I attended a meeting of the Downtown Rotary Club in Wichita. It was good to join fellow Rotarians for a discussion of current issues.

Testifying about Unique Health Care Challenges in Rural America

I had the opportunity again this week to testify before a congressional subcommittee about the unique challenges Kansans face in getting the health care they need. It is important for Congress to understand the circumstances of rural health care delivery as we look at ways to improve health care across the country. An aging population, the lack of public transportation and the difficulty of recruiting new emergency medical service volunteers all present special challenges that health care reform must address. [Click here](#) to view my remarks before the House Energy and Commerce Subcommittee on Health.

Agriculture Committee Holds Hearing on Oil Markets

I participated in an Agriculture Committee hearing on Tuesday about energy markets. Many Americans are concerned that speculation in energy futures markets is driving up the cost of oil. The Agriculture Committee has jurisdiction over the Commodity Futures Trading Commission (CFTC), which is responsible for preventing fraud and manipulation. Later in the week, the House passed legislation strengthening CFTC's authority in its oversight of trading in the oil futures market.

In the Office

Steve Johnson of Overland Park was in with ONEOK Partners, Inc. to discuss challenges facing natural gas businesses. Julie Hirons and John Rakos of Overland Park were in with Advantage Metals Recycling to tell me about the recycling industry in Kansas. Haley Davee of Hays was in with the Kansas Credit Union Association to update me on legislation important to credit unions in our state. Robert Cerda of Olathe was in with Crop Insurance Systems, Inc. to update me on his firm's development of a new crop insurance administration product.

Judi O'Grady of Eudora and Cathryn Hamilton of Overland Park were in with CureSearch to talk about the need to fund childhood cancer research. CEO of Mercy Regional Health Center Dick Allen of Manhattan and Matt Hickam with Kensinger and Associates of Topeka were in to discuss health care issues and express concern over reimbursement rates for the Tri-Care program. Reed Martin of Leawood was in with Nuetera to explain the need for quality outpatient health care facilities.

Sue Boldra of Hays, John Ross of Pleasant Ridge, Bill Wilson of Tribune and Diane Becker of Lenora were in with the Center for Civic Education to bring me up to date on programs in the state and share success stories from Kansas students and schools. Philip Bradley and Tammy Davis of Lawrence were in with the Kansas Licensed Beverage Association to discuss efforts to prevent underage drinking. Spencer Boone of Timken was in with the National Young Leaders Conference to tell me about his experience in our nation's capital. Ken McCauley of White Cloud also stopped by to visit.

Several Kansans stopped by my Washington, D.C., office for tours of the United States Capitol this week, including Alan and Trevor MacDonald of Olathe, Glenn Seaver and Lori Davenport of Topeka, Kent and Lisa Colwell of Hays and Floyd and Mildred Colwell of Nebraska. Ciera Nelson of Little River, the winner of the Congressional Art Competition for my district, was in

with her father David and sister Amara. They were joined by Little River High School art teacher Beth Myers. In from Hays were Lyle Lohrmeyer and Janet Affentranger with their children Jordan and Tessa and in from Leavenworth were David and Tammy Warren with their children Morgan and Zach.

Very truly yours,

Jerry